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APPLICATION NO.	FILING DATE:	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09:745,178	12/19/2000	Hans-Jurgen Johann	4476 US	7564

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EXAMINER

PEREZ, GUILLERMO

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/745,178

**Applicant(s)**

JOHANN ET AL.

**Examiner**

Guillermo Perez

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Objections***

Claim 6 is objected to because of the following informalities: the claim needs a period (.) after "another" to close the sentence. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 6-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenway (U. S. Pat. 5,649,349).

Referring to claim 6, Greenway discloses a rotor for a DC machine comprising:  
a multiplicity of armature laminations (28) arranged axially one behind the other, each of which laminations (28) is provided with a locating bore (30), the laminations (28) being connected non-displaceable to one another by holding (18) to form an armature core (figure 3) configured for receiving a motor shaft (column 4, lines 43-45); wherein the locating bore (30) of each of said armature laminations (28) is arranged eccentrically in the respective armature lamination (30); and wherein groups of armature laminations, are arranged with rotation relative to one another.

Referring to claim 7, Greenway discloses a rotor for a DC machine comprising:  
a multiplicity of armature laminations (28) arranged axially one behind the other, each of which laminations (28) is provided with a locating bore (30), the laminations (28) being connected non-displaceable to one another by holding (18) to form an armature core configured for receiving a motor shaft (column 4, lines 43-45); wherein  
the locating bore (30) of each of said armature laminations (28) is arranged eccentrically in the respective armature lamination (28); and wherein  
groups of armature laminations, are arranged with rotation relative to one another by one pole pitch, wherein the pole pitch is less than 180 degrees.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway (U. S. Pat. 5,649,349) in view of Hickey (U. S. Pat. 4,136,296).

Greenway discloses a rotor for a machine comprising:  
a multiplicity of armature laminations (28) axially one behind the other, which are provided with a locating bore (30) and are connected non-displaceable to one another

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by holding (18) to form an armature core (figure 3), which is pushed onto a motor shaft (column 4, lines 43-45), wherein

the locating bore (30) of each armature lamination (28) is arranged slightly eccentrically (figures 1 and 3) in the armature lamination (28); and wherein

a. the individual armature laminations (28) of the armature core

or

b. groups of armature laminations are arranged such that

1. they are turned in relation to one another by at least one pole pitch

or

2. the locating bore (16) is formed as a contoured locating hole.

Greenway discloses that each armature lamination (10) is arranged on the motor shaft such that it is turned with respect to the adjacent the armature lamination by 45° (column 7, lines 58-63).

However, Greenway does not disclose that the motor shaft is of a smooth form.

Hickey discloses a DC machine in which the motor shaft (31) is of a smooth form for the purpose of holding the laminations under pressure.

It would have been obvious at the time the invention was made to modify the rotor of Greenway and provide it with shaft configuration disclosed by Hickey for the purpose of holding the laminations under pressure.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to determine the pole pitch at 45 degrees since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

Referring to claim 1, no patentable weight has been given to the method of manufacturing limitations (i. e. pushed as a whole onto the motor shaft) since "even though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

### ***Response to Arguments***

Applicant's arguments filed May 19, 2003 have been fully considered but they are not persuasive. In response to Applicant's remark that the subject matter of claims 6-7 was not rejected, it must be noted that these claims and its subject matter were addressed with figure 4.

### ***Conclusion***

This is a continuation of applicant's earlier Application No. 09/745,178. All claims are drawn to the same invention claimed in the earlier application and could have been

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finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Guillermo Perez whose telephone number is (703) 306-5443. The examiner can normally be reached on Monday through Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nestor Ramirez can be reached on (703) 308 1371. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305 3432 for regular communications and (703) 305 3432 for After Final communications.

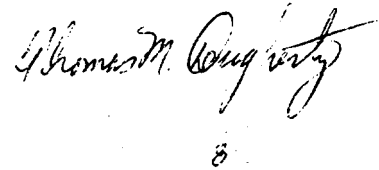
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.

Guillermo Perez  
August 4, 2003

A handwritten signature in black ink, appearing to read "Guillermo Perez", with a small number "8" written below it.